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Committee on the Rights of the Child
Seventy-first session

Summary record of the 2060th (Chamber A) meeting
Held at the Palais des Nations, Geneva, on Wednesday, 13 January 2016, at 10 a.m.

Chair: Ms. Aldoseri

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of Latvia (continued) (CRC/C/LVA/3-5; CRC/C/LVA/Q/3-5 and Add.1)

1. *At the invitation of the Chair, the delegation of Latvia took places at the Committee table.*

2. **Ms. Jaunzeme** (Latvia), responding to questions raised earlier, said that in 2014 the Ombudsman's Office had received 672 complaints pertaining to children's rights, none of which had been filed by minors. In 2015, it had received 890, of which 10 had been submitted by minors. Of those 10 complaints, 6 had concerned detention conditions, 2 had concerned custody rights, 1 had concerned family reunification and the other had concerned school enrolment. All complaints had been handled promptly and with particular care.

3. Since 2004, the number of children living in institutions had fallen from 12,000 to around 2,000, and the Government had set an ambitious goal of achieving complete deinstitutionalization within five years. To that end, the State Inspectorate for the Protection of Children's Rights had taken steps to increase the number of certified foster parents. Amendments had been made to relevant legislation with a view to introducing a foster care training programme and providing comprehensive support and guidance to caregivers. Each year, the Inspectorate organized a workshop to enable stakeholders to discuss the latest issues.

4. As part of the deinstitutionalization process, the Government was conducting needs assessments in children's institutions and establishing youth homes in line with Swedish best practices. The homes would be suitable for children with special needs and care would be provided by specialized health professionals. It was hoped that plans in that regard would be finalized by the end of 2016, at which point the implementation phase could begin.

5. In March 2015, the Cabinet of Ministers had adopted a concept document on improving the adoption and foster care system. Information on the aims and content of the document was contained in the State party's replies to the list of issues. One of the aims was to encourage foster parents to adopt children with disabilities by offering financial support and other benefits. Amendments had been proposed to the Law on Social Services and Social Assistance to reduce the number of days that children spent in institutions and to enhance the monitoring of foster children by social services and orphans' courts.

6. **Ms. Sandberg**, noting that the word "orphan" was sometimes used by the delegation to denote a child who still had living parents, said that in English it referred exclusively to a child whose parents were dead. She therefore wished to know whether consideration had been given to finding a more appropriate term.

7. **Ms. Jaunzeme** (Latvia) said that, in the case of orphans' courts, the word "orphan" had been used for want of a more precise equivalent of the Latvian term for a child who had no legal guardian.

8. **Ms. Aho Assouma** asked whether children who were able to express an opinion were consulted about placement decisions and why the financial support and other benefits given to foster parents who adopted children with disabilities could not instead be given to the children's biological parents.

9. **Ms. Jaunzeme** (Latvia) said that children with disabilities who lived with their biological parents were entitled to a disability allowance and to a range of other

benefits that were at least equal to those given to children living with foster parents. The financial support that she had mentioned was simply an incentive for caregivers to adopt children with special needs who would otherwise be placed in an institution. Children were asked for their opinion on placement arrangements, and their views were taken into account by the orphans' courts tasked with monitoring those arrangements.

10. **Mr. Gurán** (Country Rapporteur) said that there were several European foster care models that Latvia could usefully copy, including ones based on professional foster parenting. Complete deinstitutionalization was an unrealistic objective, as some degree of institutional care would always be required. With that in mind, he wished to know how the Government planned to look after children who were removed from institutions in the future.

11. **Ms. Jaunzeme** (Latvia) said that the number of children living in institutions had fallen by over 80 per cent since 2004 and that a further decrease could reasonably be expected. While drafting the concept document on improving the adoption and foster care system, the Government had considered many options, including professional foster parenting, an approach that had the backing of numerous NGOs.

12. When children with no legal guardian reached the age of 18 years, they were entitled to a one-off payment, study grants and a choice of accommodation. The number of children left behind by parents seeking employment outside the country had decreased from almost 8,000 in 2007 to 300 in January 2016, thanks in part to legislative amendments requiring parents to inform orphans' courts if they intended to leave the country for a period of over three months. In 2013, the Government had adopted a plan to encourage return migration, including through the provision of Latvian language classes in destination countries. In recent surveys, however, less than half of emigrants had expressed a desire to move back.

13. Children sleeping on the streets were either found by the police or reported to the authorities by members of the public. The police also made effective use of social media to locate such children and liaised with social services to ensure that adequate care was provided.

14. **Ms. Sandberg** asked whether baby hatches were used in the State party and, if so, why. Noting that hatches deprived children of their right to preserve their identity, she asked whether the Government had considered alternative arrangements such as confidential births.

15. **Ms. Jaunzeme** (Latvia) said that hatches had been introduced to prevent newborns from being abandoned, and it was estimated that around 30 lives had been saved in the previous five years. The Government would take into account the suggestion regarding confidential births.

16. **Ms. Tāre** (Latvia), in response to a question about the economic exploitation of children, drew the Committee's attention to the State party's periodic report and said that, pursuant to the Labour Law, children could be employed in light work for a maximum of 4 hours per day and 20 hours per week. The State Inspectorate for the Protection of Children's Rights had an overall duty to monitor the implementation of child labour regulations and to report any violations to the State Labour Inspectorate. In recent years, no violations had been detected.

17. The State Labour Inspectorate carried out numerous prevention activities. It met regularly with children and organized information sessions on labour law and health and safety issues, which were also a component of school curricula. Permits had to be obtained from the State Labour Inspectorate for the employment of children as performers in cultural, artistic, sporting and advertising activities. The Inspectorate

also worked to detect non-registered employment and applied administrative penalties in such cases.

18. **Ms. Jaunzeme** (Latvia) said that there were currently no waiting lists for State-funded rehabilitation services for child victims of criminal offences, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts. Those services were of a very high quality and were closely monitored by the Latvian Children's Fund. Children were usually treated at home but, in the most serious cases, they received treatment in an institution.

19. Latvia had a number of private kindergartens, as well as public kindergartens run by municipalities. Certain municipalities chose to buy in services from private education establishments, and State subsidies were provided to help parents cover private kindergarten fees. All private education establishments were certified by the State and had to fulfil certain requirements. There were still kindergarten waiting lists in two municipalities.

20. **Mr. Gurán** asked which languages preschool education was provided in and whether all preschool children, including those from minority groups, were prepared for primary education in the Latvian language.

21. **Ms. Jaunzeme** (Latvia) said that parents could choose the language of instruction at preschool level. As well as Latvian-language kindergartens, there were Russian, English and bilingual preschool establishments.

22. **Ms. Arkle** (Latvia) said that teaching was usually conducted in Latvian at primary school level but that some primary schools provided bilingual education.

23. **Ms. Jaunzeme** (Latvia) said that the working methods applied in institutions for children with intellectual disabilities had been modified significantly in recent years. Children with mild disabilities were prepared for independent living, while those with more severe disabilities were provided with additional support services. All establishments had to report on the quality of their services and were subject to unscheduled visits by State authorities and NGOs, which issued independent assessment reports. In the past, those reports had highlighted concerns related to the way in which children living at the centres spent their free time and, as a result, efforts were being made to introduce more meaningful and productive leisure activities. Special training was provided to staff to prevent violations of children's rights, and severe penalties were applied if such cases were not reported immediately to the Ministry of Welfare or the police. That approach had proven very effective. Every effort was made to ensure the highest standard of care for children with special needs and help them become independent and self-sufficient.

24. With regard to the children's helpline, she emphasized that all helpline operators were highly qualified, received special training and were closely supervised in their work. Over half of the children who used the helpline were between the ages of 12 and 15 years, and the majority were boys. Measures were taken to address the issues reported and trace them back to source in a non-intrusive manner. In response to a question raised by **Mr. Gastaud** (Country Rapporteur), she confirmed that the helpline was accessible throughout the country.

25. **Ms. Arkle** (Latvia) said that significant efforts were made to integrate children with disabilities in mainstream education wherever possible. While children with severe disabilities attended special schools or special boarding schools, most children with special needs were taught in special classes or groups within mainstream establishments. If a child who was enrolled in a mainstream school experienced significant academic difficulties, he or she could be assessed by specialists and support measures proposed. If the child's performance did not subsequently improve,

he or she could be reassessed and seen by the Pedagogic Medical Commission, which would then recommend an appropriate curriculum tailored to the child's needs. Under the General Education Law, schools were responsible for ensuring support measures for children with special needs, and mainstream schools were increasingly adapting their curricula to meet the requirements of such children. In accordance with the regulations of the Cabinet of Ministers, the per capita funding allocated to special education should be higher than that for mainstream education.

26. Preschool education was compulsory for children aged between 5 and 6 years, and young children with special needs usually attended mainstream kindergartens. Most preschool establishments were public and were assessed by the State at least once every six years.

27. All schoolteachers were required to have completed professional training at university or college level, and those providing education to children with special needs were expected to complete a special education teacher training programme.

28. Turning to future objectives, she said that there were plans to improve teacher training and raise teaching standards; to prevent school dropouts by ensuring better information-sharing between schools, municipalities and employment services, conducting systematic follow-up with school leavers and offering a broader range of options for returning to education; to reduce the proportion of 18-24 year-olds without secondary education to 10 per cent by 2020; and to reduce the number of special schools and boarding schools.

29. **Ms. Sandberg** asked whether parents of children with special needs were encouraged to send their children to mainstream schools and what kind of information was provided to them in that regard. She wondered whether children with special needs who were enrolled in mainstream schools were placed in separate classes from their peers.

30. **Mr. Gastaud** asked whether there were a sufficient number of special education teachers; whether school buildings were properly equipped to meet the needs of children with disabilities; what was involved in the teacher recruitment process; whether parents were able to choose between public and private education for their children; how public and private education was funded; and what practical measures were being taken to reduce school dropout rates.

31. **Mr. Gurán** asked whether there were any boarding schools for children with behavioural problems that restricted the liberty of those children.

32. **Ms. Arkle** (Latvia) said that parents of children with special needs were encouraged to enrol their children in mainstream education. The issue of closed boarding schools for children with behavioural problems was being discussed and measures were being taken to address concerns in that area. Around 8 per cent of teachers worked in schools and preschools for children with special needs. All municipalities were responsible for ensuring that children within their territory had access to education close to their place of residence and for deciding how funds should be distributed among educational establishments. Targeted support was provided to students and teachers in order to reduce dropout rates, which had fallen in recent years. However, closer cooperation with municipalities and employment services was required. Dropout rates were particularly high among girls in the Roma community.

33. **Ms. Jaunzeme** (Latvia) said that the majority of young people who dropped out of education were male, so measures to decrease dropout rates focused on boys.

The meeting was suspended at 11.25 a.m. and resumed at 11.40 a.m.

34. **Ms. Papule** (Latvia) said that the Criminal Law set out special provisions for the deprivation of liberty of minors. Minors could not be imprisoned for crimes that were not classed as serious. They could however be imprisoned for up to 2 years for serious non-violent crimes, up to 5 years for serious crimes of a violent nature, and up to 10 years for especially serious crimes. There was currently only one child in Latvia serving the maximum sentence of 10 years for committing a murder under particularly aggravating circumstances. In answer to a question raised by **Mr. Gastaud**, she said that all sentences were prescribed in the Criminal Law and that the judge determined the sentence depending on the specific circumstances of the case.

35. Minors could be placed in social correctional educational establishments. Such establishments offered social rehabilitation programmes and aimed to help minors reintegrate into society. Minors were sent to such institutions on the decision of a judge, although it was not considered a criminal sentence but a compulsory measure of a correctional nature. Minors could also be placed in juvenile correctional institutions, which were detention centres that offered primary and secondary school education in addition to a social correction programme. Minors placed in such establishments had already been sentenced to deprivation of liberty. Responding to a question raised by **Ms. Sandberg**, she said that children between the ages of 11 and 18 years could be placed in social correctional educational establishments, while children aged between 13 and 18 years could be placed in juvenile correctional institutions. However, if offenders were continuing their school education, they could stay in juvenile correctional institutions up to the age of 25 years. In response to a question by **Mr. Gurán**, she said that minors could not be sent to such correctional facilities based on an administrative decision but only on the decision of a judge, as their placement in a correctional institution was regarded as deprivation of liberty.

36. When sentencing an offender, judges took into consideration the nature of the offence as well as the character of the offender. Being the parent of several children or of a young child could be considered by the judge as a facet of the offender's character. Consequently, a judge could impose community service as a punishment, in order to prevent the separation of a parent from his or her child, depending on the nature of the crime and the person in question.

37. A two-tiered system had been introduced to combat corruption within the State party. The central authority in that regard was the Corruption Prevention and Combating Bureau, which carried out criminal investigations and imposed administrative punishments. At a lower level, there was an internal anti-corruption system in each municipality. The Government had recently adopted the Bureau's guidelines for 2015-2020, the main aims of which were to raise awareness of the issue among the general public, improve the Law on Prevention of Conflict of Interest in Activities of Public Officials, enhance anti-corruption systems in Government agencies, and improve control over the financing of political parties.

38. **Ms. Medina** (Latvia) said that there were separate places of imprisonment for boys and girls. Since 2008, there had been a fourfold reduction in the number of minors detained, as well as a significant decrease in the number of sentences of deprivation of liberty. The improvement could be attributed to recent reforms of the Criminal Law, to the encouragement of alternative sanctions to the deprivation of liberty, and to intensive training of the judiciary. In response to a question raised by **Ms. Sandberg**, she said that the law allowed for the pretrial detention of minors, albeit with strict time limits.

39. The living conditions of minors held in correctional institutions had greatly improved in recent years. Renovation work had been carried out and new buildings constructed in full compliance with European prison standards. The Ombudsman's Office also carried out regular inspections of correctional institutions and made annual

recommendations. The State allocated funds from its budget to ensure the maintenance of such facilities.

40. Efforts had been made to rehabilitate minors in order to prevent them from reoffending. The Code on Enforcement of Sentences had been amended in 2011, to ensure that each convicted minor received an assessment of his or her risks and individual needs. Steps were also being taken to evaluate existing resocialization programmes, develop updated programmes, and train probation and prison staff. A resocialization programme had also been implemented to provide minors with training in social skills and anger management. Probation officers had been specially trained in order to offer the programme. A special programme for prison staff had also been devised in 2012 to combat inter-prisoner violence. The State Inspectorate for the Protection of Children's Rights monitored the situation regularly, and its 2015 report indicated that no cases of inter-prisoner violence had occurred in correctional institutions for minors.

41. Children up to the age of 4 years were entitled by law to stay with their mother in the event of her imprisonment. The mother had to submit a request to the court for her child to stay with her, following which the court judged whether such an arrangement would be in the best interests of the child. After the age of 4 years, the law provided for children to live with their father. If this was not possible, alternative care was sought. There were currently eight children under the age of 4 years living with their mothers in prison. In response to a question raised by **Ms. Muhamad Shariff**, she said that children living in prison facilities had access to playgrounds and were able to share the same room as their mothers, while the cost of their living needs was fully financed by the State.

42. A special training centre for the judiciary had been established and training on children's rights was compulsory for certain members of the judiciary. The State Inspectorate for the Protection of Children's Rights provided standardized training on matters pertaining to international and national legislation, as well as on communicating effectively with children. In 2014 100 judges had been trained, and that figure had increased in 2015. A new training programme for the judiciary had been introduced for the period up to 2020, with a budgetary allocation of over €10 million.

43. **Ms. Muhamad Shariff** said that she would like further information on the Cabinet of Ministers regulation requiring the compulsory participation of a representative of a child in the preparation of a pre-sentencing report. She wanted to know what kind of training such representatives were offered and who exactly the representatives were.

44. **Ms. Jaunzeme** (Latvia) said that the representative was either the parent or the legal guardian of the child. The parent might not necessarily be trained in matters pertaining to children's rights but it was likely that the legal guardian would be.

45. **Ms. Medina** (Latvia) said that the Law on the Protection of the Rights of the Child contained a list of persons who required compulsory training in children's rights. The Law also provided that the State Inspectorate for the Protection of Children's Rights should develop training programmes for all those listed.

46. **Mr. Gastaud** asked whether the judges mentioned as having received training served in juvenile or general courts.

47. **Ms. Medina** (Latvia) said that Latvia did not have specialized courts; rather, a specialized judge was attached to each court. Where a judge's services were not required in his or her speciality, he or she could hear other cases.

48. **Ms. Feldmane** (Latvia) said, in reply to a question about breastfeeding, that the Cabinet of Ministers had issued an order on implementing the International Code of Marketing of Breast-milk Substitutes, and Latvian law therefore set out requirements on the quality and labelling of such substitutes. The Centre for Disease Prevention and Control provided information on its website on all aspects of breastfeeding and breast-milk substitutes. Latvia also provided benefits for mothers in the form of prenatal leave and a mandatory 112 days' maternity leave. Moreover, the Labour Law contained provisions to facilitate breastfeeding. Action was planned to monitor the health of infants and to ensure manufacturers' compliance with the rules on advertising. In reply to a question from **Ms. Muhamad Shariff**, she said that there had been no breaches of the Code.

49. Children under the age of 18 years received free health care and medicines. One challenge facing the national health service was the waiting times faced by children requiring treatment. The problem was not due to budgetary constraints, however, but to the fact that parents were anxious to have their children seen by specialists in Riga, where it was felt that the doctors were more qualified. The Government was therefore aiming not only to increase the number of specialists but also to strengthen primary health-care services in rural areas. It was also seeking to raise awareness of the advantages of regional hospitals, which would provide parents with a wider choice. Measures had also been introduced to reduce waiting times for outpatients. Dental care was also available free of charge for minors. There was a shortage of dentists, but dental services were provided by itinerant dentists and regular campaigns were mounted to promote dental health in rural areas.

50. **Ms. Aho Assouma** wondered why no measures had been taken to address the persistent problem of long waiting lists. She also asked how often dental health campaigns were mounted, and how they targeted rural populations.

51. **Ms. Feldmane** (Latvia) said that solving the problem of waiting lists required long-term action. Above all, parents' attitudes must be changed, so that they did not always gravitate to specialist hospitals. However, it was difficult for local authorities to provide the salaries for specialists, since they were in competition with the private sector. As for reaching out to rural areas, the Government was seeking to increase the availability of primary health-care services closer to a person's place of residence.

Initial report of Latvia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/LVA/1; CRC/C/OPSC/LVA/Q/1 and Add.1)

52. **Mr. Nogueira Neto** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that the Committee commended the new legislation adopted by the Latvian Government, but some concerns remained. First, he asked whether the Government could introduce a comprehensive system for collecting data, disaggregated by sex, age and national or ethnic origin and by region and socioeconomic status, relating to all offences covered by the Optional Protocol. Secondly, did the State party envisage adopting a comprehensive policy relating to all the offences covered by the Optional Protocol? Thirdly, did the State party prioritize child trafficking and have an effective mechanism to identify the impact of sexual exploitation on children? It was regrettable that Latvia lacked a general plan to raise public awareness of the Optional Protocol. The Committee would welcome more information on the budget specifically allocated to activities under the Optional Protocol, and it was concerned that measures on the Optional Protocol were taken piecemeal.

53. He therefore wished to know whether there were appropriate mechanisms in place to identify children at risk and prevent them from becoming victims; whether

sufficient information was available on the scale of sexual exploitation in Latvia, including child prostitution and child pornography; and whether it was true that police officers had accepted bribes to release suspected users of child prostitutes. A further concern was that no cases of the sale of children had been reported, even though the United Nations Special Rapporteur on the sale of children, child prostitution and child pornography had noted that sex tourism had increased in Latvia. The Committee was concerned that there was no regulatory framework in place to prevent sex tourism. He also requested confirmation that sexually exploited children under 16 years of age were deemed to be victims rather than being criminalized, since it appeared that, by law, prostitutes over the age of 16 years could be deemed to be perpetrators. Lastly, he would welcome information on investigations into sexual exploitation that had been carried out and on cases in which sexual exploiters of children had been released without charge.

54. **Mr. Madi** said that, in order for the law to be effective, the State party should establish a clear definition of the meaning of the sale of children. He also wished to know whether Latvian courts had extraterritorial jurisdiction over all the offences covered by the Optional Protocol and whether such offences were included in the country's extradition treaties. Indeed, would the State party use the Optional Protocol as a basis for extradition? He was also concerned about protection of the rights of victims. Latvia had a system for identifying victims but, in view of the small number of cases, the Committee needed more information. He wished to know how officials, judges and police were trained in the early identification of victims and what rehabilitation methods were used.

Initial report of Latvia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/LVA/1; CRC/C/OPAC/LVA/Q/1 and Add.1)

55. **Mr. Rodríguez Reyes** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) said that he would like to ask in addition how the State party operated its social recovery and reintegration service for victims under the Optional Protocol and whether cases were followed up.

56. **Mr. Gastaud** said that it was not clear from the report which authority was responsible for coordinating activities under the Optional Protocol on the involvement of children in armed conflict: the Ministry of Welfare, the Ministry of the Interior or the Ministry of Defence. Secondly, he wished to know whether training courses were available not only for police and border officials but also for army personnel or paramilitaries. Thirdly, he would be grateful for more information on the collection of data on violations of the Optional Protocol. He noted that there was no conscription in the State party; enlistment in the armed forces was voluntary after the age of 18 years. Nor were there any military academies, but the Committee was concerned about the Youth Guard organization, which catered for people aged between 12 and 21 years. If it was the case that minors were trained in combat and the use of small arms, such activities ran counter to the provisions of the Optional Protocol. He was also concerned that the Optional Protocol was not sufficiently disseminated among the general public, and children in particular. Did the Criminal Code contain provisions prohibiting the recruitment of children into the army or armed groups? Even though there were no armed groups in Latvia, there was a possibility of children being recruited into armed groups abroad. Lastly, he would be grateful for information on the extraterritorial competence of Latvian jurisdiction and on whether extradition was subject to dual criminality. If so, he wondered whether the State party planned to amend the relevant legislation.

The meeting rose at 1 p.m.